

**ASSEMBLY BILL**

**No. 521**

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**Introduced by Assembly Member Hagman**

February 15, 2011

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An act to amend Section 1269 of the Penal Code, relating to bail.

LEGISLATIVE COUNSEL'S DIGEST

AB 521, as introduced, Hagman. Bail.

Existing law provides for the discharge from actual custody of a defendant upon the taking of bail. The taking of bail consists in the acceptance, by a competent court or magistrate, of the undertaking of sufficient bail for the appearance of the defendant, according to the terms of the undertaking, or that the bail will pay to the people of this state a specified sum.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 1269 of the Penal Code is amended to  
2     read:  
3     1269. (a) The taking of bail consists in the acceptance, by a  
4     competent court or magistrate, of the undertaking of sufficient bail  
5     for the appearance of the defendant, according to the terms of the  
6     undertaking, or that the bail will pay to the people of this state a  
7     specified sum. Upon filing, the clerk shall enter in the register of  
8     actions the date and amounts of ~~such~~ the bond and the name or

1 names of the surety or sureties thereon. In the event of the loss or  
2 destruction of ~~such the~~ bond, ~~such the~~ entries ~~so~~ made shall be  
3 prima facie evidence of the due execution of ~~such the~~ bond as  
4 required by law.

5 ~~Whenever~~

6 (b) *Whenever* any bail bond has been deposited in any criminal  
7 action or proceeding in a municipal or superior court or in any  
8 proceeding in habeas corpus in a superior court, and it is made to  
9 appear to the satisfaction of the court by affidavit or by testimony  
10 in open court that more than three years have elapsed since the  
11 exoneration or release of ~~said the~~ bail, the court must direct that  
12 ~~such the~~ bond be destroyed.